

**CITY OF LIBERTY COUNCIL MEETING
ROSEWOOD CENTER
JANUARY 14, 2008 - 6:00 P.M.
MINUTES**

Call to Order

Mayor Deese called the meeting to order at 6:00 p.m.

Present: CM Walt McJunkin, CM Brian Petersen, CM Josh Harrison, CM Dwight Yates, and CM Michael Sheriff.

Absent: CM Rick Clark

Invocation

Fire Chief Sargent

Pledge of Allegiance

CM Michael Sheriff led the Pledge of Allegiance

Approval of Minutes

Approval of December 10th, 2007 City Council Minutes

- CM Michael Sheriff made motion to approve 12/10/07 City Council minutes
- CM Brian Petersen seconded the motion
- Vote: All in favor

Approval of January 7th, Work Session minutes

- CM Brian Petersen made motion to approve 01/07/08 WS minutes
- CM Josh Harrison seconded the motion
- Vote: All in favor

Topics From The Public: None

Old Business: Recommendation from the Planning and Zoning Commission

Mayor Deese stated we have a Recommendation Form from the Liberty Planning & Zoning Commission regarding the rezoning request from Shirley Worden at 327 W. Front St. from Medium Density Residential to Office Commercial. The Commission did not approve this request for rezoning. Mayor Deese also explained that after Ms. Worden found out what she could do, she did not want to be rezoned.

Discussion: CM Sheriff stated he did not understand why that property could not be zoned office commercial when practically everything else on that street is already zoned commercial. CM Sheriff stated he agreed with the commission's recommendation for the property located at 109 S. Peachtree Street but he did not agree with their recommendation not to rezone the property located at 331 W. Front St. CM Sheriff stated he was looking to the continued growth of the city and what would be in the best interest for the future. There was some consensus that Mrs. Worden should have withdrawn her application once she realized she did not want the property rezoned. CM McJunkin made a motion to approve the recommendation of the

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commission and this gained a second from CM Yates. There was some discussion on how this motion needed to be made. CM McJunkin withdrew that motion and CM Yates withdrew his 2nd and the above captioned motion, second and vote took place.

- CM McJunkin made motion to deny the application for rezoning the property located at 327 W. Front Street
- CM Yates seconded the motion
- Vote: 3 in favor to approve the application – 3 were not in favor of approving the application
- CM Petersen made a motion that the discussion be tabled since there was a tie vote
- CM Sheriff seconded the motion
- Vote: All in favor of tabling the discussion

Mayor Deese stated the next recommendation form from the Planning Commission was to rezone the property at 331 W. Front Street and 109 S. Peachtree Street from Medium Density Residential to Office Commercial.

- CM Sheriff made motion to deny the application for rezoning the property located at 331 W. Front Street and the property located at S. 109 Peachtree St.
- CM Harrison seconded the motion
- Vote: 5 in favor
- Abstain: Mayor Deese

Discussion: CM Sheriff reiterated that the S. Peachtree Street property is what concerned him about rezoning. Not the Front Street property. Had the recommendation come back to council on two different recommendation forms instead of on one form, I would have voted differently for the Front Street property.

New Business : Increase in Environmental Fee

Mayor Deese explained this increase is from the County for commercial garbage sent to the landfill. This involves all commercial businesses within the city limits. The fee increase would be from \$10.00 per month to \$35.00 per month. Mayor Deese asked for a motion to increase the environmental fee.

- CM Sheriff made motion to amend the environmental fee from \$10.00 to \$35.00 per month based on the increase in fees we are being charged by the county
- CM Petersen seconded the motion
- Vote: 4 in favor
- Vote Not in Favor: 1 - CM McJunkin

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Discussion: CM Petersen wanted to go on record to state he was in not in favor of a flat fee, but thought the fees should be tiered as he had said in the council work session. But he understood the county was invoicing the city as of this month for these fees and in order to move this matter forward, he would go ahead and vote tonight with the intention of more discussion on this matter in the next work session.

CHAMBER OF COMMERCE

No report given. The Chamber minutes had already been distributed to council/

DEPARTMENT HEAD REPORTS

Police Department

Police Chief Miller reported the following:

DECEMBER	
Warnings Issued:	31
Citations Issued:	59
Calls for Service:	155
Auto Accidents:	11
Juveniles Housed:	12
Arrests	11
Code Enforcement	13
Public Service Calls	33
Total Fines Collected	\$3,548.25

Chief Miller explained some of the items on the above list. He went over the School Resource Officer's report from the middle school and high school. We are assisting in a program where we go out to our local convenient stores and we have an 18 year old student who will go in and attempt to purchase alcohol. We have to make 2 of these checks a month somewhere within the city. On December 27 a DUI/License Check Point was conducted with a total of 16 tickets written and 3 arrests were made. 4 No DL in possession – 3 No DL – 2 Headlight Violation – 2 DUS – 1 No Registration in possession – 1 No proof of insurance – 2 seatbelt violations – 1 improper maker lights. Chief Miller offered an apology to the recent events in which on of his officers had brought embarrassment to the town. He stated all law enforcements officers have a

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code of conduct they swear to uphold. He stated sometimes people we know will let us down. Chief Miller stated his department has really come together since this event and officers have stepped forward to take on extra responsibilities. He stated the department would move forward and try to regain the trust of the people.

Fire Department

DECEMBER	
City:	7
County:	13

Chief Sargent reported their cascade system is now running. Eagle Air replaced the compressor head and it has been running great. There was no charge since the General Manager said he would make things right since we had been having so many problems with the unit. Chief Sargent stated they had 6 firefighters complete the 16 hr. class on Principles of Building Construction. They completed testing the 5" large diameter hose on each pumper and all hose passed. Chief Sargent met with Virgil Slagle from Slagle Fire & Equipment on December 6th to get a quote on repairing the water way on the ladder truck. He has not received a quote from him yet. It was going to be about 3 weeks before he could start on it. In the past two weeks they received an automatic deposit form to be completed and it has been mailed back for the 2007 Assistance to Firefighters grant. This was a grant filed by Rick Clark through FEMA for Turn Out gear for all firefighters. The FEMA portion is \$41,377 and the matching portion for the City will be about \$2177. Rick also filed for the state V-Safe grant in which we would receive \$30,000 for 5" hose for the ladder truck and 5 new air packs. These air packs cost about \$4000 each. We should hear from this grant within the next month. There will be no matching funds for this grant. Chief Sargent stated he had one opening in the department and they were planning on filling that position within the next day or two.

Public Works Department

Director, Ray Clark reported 56 cut-offs, 16 new services, 21 finalized and 6 changes out meters. Mr. Clark explained the situation on Jackson Street where there was a wrong head on the meter and that was fixed. They had been having problems with that and could not seem to remedy it and he thanked CM Petersen for his help with that situation. Also, Mayor Deese thanked CM Petersen for his due diligence in that matter.

Recreation Department

The trophies from the 6th grade and under competition cheer team were presented by Coach Pam Gibson. They also presented council with a signed "thank you" poster for all their help. Mayor Deese thanked her for coming and stated how proud Liberty is of its recreation program. He stated basketball is now underway and the new goals have been installed in the gym. He stated Tony was very proud of these new goals. Mayor Deese stated a field was being cleared for a coach's pitch team. CM Sheriff stated we still have a serious water problem behind the gym. He asked Olen to take a look at that.

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CITY COUNCIL REPORTS

CM Walt McJunkin

CM McJunkin thanked Barry for his good job on the clean up program on Lakeview Drive. CM McJunkin stated beavers were driving Mr. Gregory and Fred Baldwin up the wall on Lakeview Drive. They have cleaned this out several times but it does not good. I also had a letter from Mrs. Kay Grant and her husband regarding this same matter. I have discussed this with the Mayor and I also have a copy of Mr. Gregory's deed. If the city is willing to handle this situation, they will sign permission for us to come on their property. It looks like we may have to hire an engineer to tell us how to stop this. It could cause a problem in and around the pipeline going under the road. It was agreed that the City Attorney, Jim Alexander, would draw up a hold harmless agreement to be signed by the home owners. Olen stated he could get a trapper and they could relocate the beavers. Mayor Deese stated that may be another solution.

CM Brian Petersen

CM Petersen thanked the Public Works Department and the Water Department for helping him in the effort to come up with a solution to the problem on Jackson Street. This gentleman was an 87 year old retired Biology professor. The water rates started to go through the roof when the meter was replaced. Through research we finally corrected his problem last week. I personally went and adjusted his toilet and had my son look under his house for leaks. The sad news is that he passed away last night with a heart attack. He did send me a letter on this matter before he died. We have the grant in for \$300,000 at the Fire Department and we should have some sense of direction in that in February.

CM Michael Sheriff

CM Sheriff stated he did not have a report at this time.

CM Dwight Yates

CM Yates stated he did not have a report at this time.

CM Rick Clark

Absent

CM Josh Harrison

CM Harrison did not have a report at this time at this time.

Mayor Deese stated he appreciated everyone's input and everyone being here tonight. He reminded council to keep their calendars clear March 1st for the Vision Retreat workshop and to start thinking about their 5 year vision plan. Mayor Deese stated he and CM Sheriff met with the two head architects from the Mayor's Institute Art and Design Team and we will have a site visit next Thursday, the 24th. CM Sheriff and I will be in the process of getting together a

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“dream team”. We forwarded a press release to the papers today regarding this meeting. We will welcome the public that day from 2:00 p.m. on for their input. CM Sheriff and I are excited about the great opportunities here.

Adjourn

- CM Dwight Yates made motion to adjourn.
- CM Brian Petersen seconded the motion.
- All voted in favor.

V. Sue Woods, Clerk

Approval Date

Verification/Mayor